



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/007,477

Group Art Unit: 3732

Filed: Nov. 8, 2001

Examiner:

For: SPINAL FUSION DEVICES AND ALIGNMENT APPARATUS THEREFORE

PETITION

Attn: OIPE - Doshie Day
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment dated December 10, 2003, Applicant respectfully requests with removal of abandonment status of the above-referenced application.

Applicant timely responded to the January 3, 2002 *Notice to Filing Missing Parts* as evidenced by the enclosed true copy of the PTO date-stamped postcard and Certificate of Mailing. Also enclosed are the formal drawings that were timely filed on ~~February 22, 2002~~. Inasmuch as Applicant has proven a response was timely filed, revival of the present application is respectfully requested.

Applicant believes no fee is due with this paper. However, the Commissioner is authorized to charge Deposit Account No. 07-1180 if a fee is necessary.

Respectfully submitted,

By: _____

John G. Posa
Reg. No. 37,424
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, PC
280 N. Old Woodward Ave., Ste 400
Birmingham, MI 48009
(734) 913-9300 FAX (734) 913-6007

Date: Dec. 17, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/007,477	11/08/2001	Bret A. Ferree	BAF-10703/29

CONFIRMATION NO. 2845
ABANDONMENT/TERMINATION
LETTER



OC000000011455231

John G. Posa
Gifford Krass, Groh et al
Suite 400
280 N. Old Woodward Ave.
Birmingham, MI 48009

Date Mailed: 12/10/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/03/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



COPY

PATENT
The received stamp of the U.S. Patent and Trademark Office imprinted
hereon acknowledges the filing of:

Transmittal Letter New Patent Application
 Page(s) Specifications Page(s) Claims
 Page(s) Abstract 7 Sheets of Drawings
 Small Entity Declaration Declaration & Power of Atty
 IDS, PTO 1449 & Patents Assignment & Recordation Cover Sheet
 Amendment/Response Check

Other: 10/001,477

O I P E SC186
PATENT & TRADEMARK OFFICE
DEC 17 2003
Inventor: Ferree
Serial/Reg. No. 10/001,477 Atty Docket No. B74F-10703129
Date: 2-6-02 Date Due: 3-3-02
 Cert. Of Mailing/Express Mail



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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

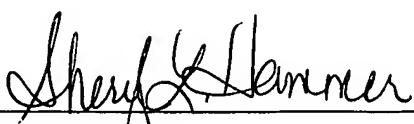
I hereby certify that the attached correspondence comprising:

Petition
Part 2 - Notice of Abandonment
Postcard

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attn: OIPE - Doshie Day
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

On Dec. 17, 2003.



Sheryl L. Hammer